

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Further Streamlining Part 25 Rules Governing	)	IB Docket No. 18-314
Satellite Services	)	

**COMMENTS OF ECHOSTAR SATELLITE OPERATING CORPORATION AND  
HUGHES NETWORK SYSTEMS, LLC**

**I. Introduction**

EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC (“Hughes”) (together with their affiliates, “EchoStar”) submit these comments in support of the Commission’s proposals for further streamlining of the Part 25 satellite licensing and service rules in the above-captioned proceeding.<sup>1</sup> EchoStar supports the Commission’s continuing efforts to simplify its licensing and regulation of satellite systems in order to provide additional flexibility for satellite providers. EchoStar further supports the Commission’s proposed Part 25 revisions to eliminate unnecessary, unduly burdensome regulatory requirements, including rules imposing unequal burdens on satellite providers and placing them at a regulatory and competitive disadvantage with respect to terrestrial and other service providers. Such unnecessary requirements operate to impede, rather than foster, the growing economic competition that has developed over the years among both satellite and terrestrial service providers.

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<sup>1</sup> See *Further Streamlining Part 25 Rules Governing Satellite Services*, Notice of Proposed Rulemaking, FCC 18-165 (Nov. 15, 2018) (“*Streamlining Part 25 NPRM*”).

With its fleet of predominantly U.S.-licensed satellites and U.S.-based ground network facilities, EchoStar is the largest U.S.—and fourth largest worldwide—commercial geostationary satellite orbit (“GSO”) operator, providing broadband, video, and other services to meet the needs of small and large customers, including internet service providers, media and broadcast organizations, direct-to-home providers, enterprise customers, government service providers, and residential consumers in the United States and abroad. Additionally, Hughes is the largest provider of satellite broadband services in the United States and globally, with approximately 1.3 million subscribers in the Americas.<sup>2</sup> As the nation’s leading satellite provider of consumer broadband, Hughes is filling the void in the market by deploying new and innovative broadband services to large pockets of unserved or underserved communities across the United States and abroad.

Given its long history as a Commission-licensed and regulated provider of broadband and other communications services to U.S. and global consumers, EchoStar has long advocated streamlining rules that are unduly burdensome or unnecessary. Further streamlining of the Part 25 satellite licensing and service rules remains critical to eliminating regulatory barriers to investments in existing and new satellite networks and technologies. Indeed, in reaffirming the Commission’s deep commitment to creating opportunities for the satellite industry, Chairman Pai highlighted the Commission’s efforts to repeal or revise outdated rules as a key component of its plan to promote investment in new networks.<sup>3</sup> As Chairman Pai rightfully noted, “eliminating some regulatory burdens ... can enable a fast-growing segment of the satellite industry to

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<sup>2</sup> See Press Release, Hughes, *Bank BRI Selects Hughes to Power Next Generation Satellite Network* (July 17, 2018), <https://www.hughes.com/who-we-are/resources/press-releases/bank-bri-selects-hughes-power-next-generation-satellite-network>.

<sup>3</sup> See Ajit Pai, Chairman, FCC, *Remarks at the 7<sup>th</sup> Annual Americas Spectrum Management Conference*, National Press Club, Washington, D.C. (Oct. 3, 2018), <https://www.fcc.gov/document/chairman-pai-5g-americas-spectrum-management-conference>.

innovate and invest in new technologies.”<sup>4</sup> With that objective in mind, EchoStar urges the Commission to adopt its proposals, as modified below, to revise the Part 25 rules to provide greater flexibility and eliminate unduly burdensome requirements.

## **II. Adopting Unified Licensing for Space and Earth Station Operations**

The Commission should adopt its proposed optional unified licensing framework for space and earth stations operating within the same GSO network.<sup>5</sup> This optional unified licensing framework, however, should be made available to all GSO networks, both FSS and non-FSS, operating in any authorized frequency bands, rather than limited to only GSO fixed satellite service (“FSS”) network operations on specified Ku- and Ka-band frequencies subject to “standard” power limits adopted for two-degree spacing environments (*i.e.*, 10.95-11.2 GHz, 11.45-12.2 GHz, 13.75-14.5 GHz, 18.3-18.8 GHz, 19.7-20.2 GHz, 28.35-28.6 GHz, and 29.25-30 GHz).<sup>6</sup>

As the Commission recognizes, by removing undue restrictions imposed under separate space and earth station licensing requirements, an optional unified licensing framework offers greater flexibility for a satellite operator to configure and deploy its network of satellites, gateway earth stations, and user terminals under a single network license.<sup>7</sup> As the Commission further notes, this could substantially reduce the number of earth station filings and dramatically simplify licensing for earth stations, thus expediting deployment of new satellite network facilities and services to the public.<sup>8</sup> Unified licensing also offers greater regulatory certainty,

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<sup>4</sup> *Id.* at 3.

<sup>5</sup> *See Streamlining Part 25 NPRM* ¶ 6.

<sup>6</sup> *See id.* ¶ 9 n.12.

<sup>7</sup> *See id.* ¶ 7.

<sup>8</sup> *See id.*

allowing operators, upon grant of a unified license, to proceed efficiently with designing and constructing satellites specifically suited for communications with a ground network of gateway and terminal earth stations that will operate at locations, and with technical parameters, that already are authorized under the same unified license.<sup>9</sup> Indeed, as the Commission notes, “certainty about these gateway locations is required early in the satellite design process.”<sup>10</sup> Moreover, extending a unified licensing option to satellite licensees will place them on a more equal footing with cellular and other terrestrial wireless licensees that have long had the flexibility, regulatory certainty, and other benefits offered under a single network license.<sup>11</sup>

In view of these substantial benefits, the Commission’s proposed unified licensing option should be extended to all GSO networks providing FSS and other satellite services in any authorized frequency bands. Restricting the unified licensing option to only GSO FSS network operations on specified Ku- and Ka-band frequencies subject to standard power limits seems unnecessary and pointless. Granting a unified network license that specifies non-standard power limits consistent with existing Commission rules and policies should prove no more difficult or administratively burdensome than granting either a separate satellite license that specifies non-standard power limits or a unified network license that specifies standard power limits.

### **III. Revising Buildout Requirements for Earth Stations Authorized Under Individual Licenses and Unified Licenses**

Given the gap between the one-year buildout period required for earth stations and the five-year milestone period required for GSO satellites, requiring an earth station to commence

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<sup>9</sup> See also EchoStar Comments, CB Dkt. No. BO 16-251, at 6 (May 4, 2017).

<sup>10</sup> See *Streamlining Part 25 NPRM* ¶ 15.

<sup>11</sup> See, e.g., 47 C.F.R. § 22.165 (allowing cellular and other licensees in the Public Mobile Services to operate additional transmitters at additional locations on the same channel or channel block as their existing systems without obtaining prior Commission approval).

operations without a satellite to communicate with would serve no purpose.<sup>12</sup> Thus, as proposed, the Commission should “better align the buildout requirements for space stations and associated gateway earth stations to ensure certainty and allow a more efficient satellite design.”<sup>13</sup> This re-alignment of buildout requirements, however, should not be limited to only individually licensed earth stations (*e.g.*, gateways) authorized under Section 25.136 to operate on specified Ka- and V-band frequencies.<sup>14</sup> Rather, this re-alignment should be extended to all individually licensed earth stations authorized to operate in any frequency bands, as well as all earth stations authorized under a unified license to operate in any frequency bands.

Accordingly, the Commission should revise the buildout requirements for individually licensed earth stations authorized to operate in any frequency bands, as follows: individually licensed earth stations are subject to either (i) a five- or six-year buildout period, corresponding to the five- or six-year milestone period required for an associated GSO or NGSO satellite; or (ii) a one-year buildout period commencing upon grant of the earth station license, whichever period ends at a later date.<sup>15</sup> Additionally, the Commission should revise the buildout requirements for earth stations authorized under a unified license to be more aligned with the five-year milestone requirement for GSO satellites, as follows: (i) earth stations that otherwise would be individually licensed (*e.g.*, gateways) are subject to a five-year buildout period, corresponding to the five-year milestone period required for a GSO satellite authorized under the same unified license; and (ii) earth stations that otherwise would be authorized under a blanket earth station license (*e.g.*, user terminals) are subject to a six-year buildout period, ending one year after the

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<sup>12</sup> See *Streamlining Part 25 NPRM* ¶ 16.

<sup>13</sup> See *id.*

<sup>14</sup> See *id.*

<sup>15</sup> See *id.*

five-year milestone period required for a GSO satellites authorized under the same unified license.

#### **IV. Eliminating Annual Reporting Requirements for Satellite Operators**

The Commission should eliminate all annual reporting requirements under Section 25.170, including requirements to disclose satellites or spectrum unavailable for service, construction progress of any replacement satellites, and point-of-contact information to resolve interference.<sup>16</sup> As EchoStar has noted, these annual reporting requirements unfairly impose burdens that are not similarly imposed on terrestrial wireless licensees.<sup>17</sup> As the Commission also acknowledges, these requirements often are duplicative and unnecessary.<sup>18</sup> Furthermore, adopting the Commission’s proposal to retain the annual requirement to confirm or update point-of-contact information serves little or no purpose, as Section 25.171 already requires satellite operators to update contact information within 10 days.<sup>19</sup>

#### **V. Updating Out-of-band Emission Limits**

The Commission should adopt its proposal to update and replace Section 25.202(f)’s out-of-band emission (“OOBE”) limits<sup>20</sup> with the International Telecommunication Union (“ITU”) standard set forth in ITU Recommendation SM.1541-6.<sup>21</sup> As the Commission notes, the ITU Recommendation offers a clearer standard for determining OOBE limits that allow for a smooth

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<sup>16</sup> *See id.* ¶ 17.

<sup>17</sup> *See* EchoStar Comments, IB Dkt. No. 16-131, at 4 (Dec. 5, 2016).

<sup>18</sup> *See Streamlining Part 25 NPRM* ¶ 17 n.23 (noting Part 4’s disclosure requirements related to service outages and the Commission’s elimination of requirements to demonstrate satellite construction progress).

<sup>19</sup> *See* 47 C.F.R. § 25.171.

<sup>20</sup> *See id.* § 25.202(f).

<sup>21</sup> *See Streamlining Part 25 NPRM* ¶ 19.

transition, rather than an abrupt attenuation, starting at the band edge.<sup>22</sup> Consequently, as the Commission notes, updating Section 25.202(f)'s OOB limits to conform to a clearer, internationally harmonized standard will eliminate any unnecessary regulatory misinterpretations that otherwise could result in inefficient satellite designs or deter satellite deployment entirely.<sup>23</sup>

## **VI. Allowing Additional Flexibility to Cure Application Deficiencies**

The Commission should revise Section 25.112 to provide applicants with additional flexibility and regulatory certainty by: (i) allowing applicants to correct any errors or omissions within 60 days of a Commission request; and (ii) requiring automatic acceptance of an application for filing within 30 days of the application filing, absent a written Commission request for additional information. As the Commission recognizes, space and earth station applications are fairly complex, and minor application deficiencies could result in dismissal without an opportunity to cure.<sup>24</sup> Indeed, Section 25.112(a)(1) provides for dismissal of an application found to be “defective with respect to completeness.”<sup>25</sup> This vague standard for dismissal provides applicants with little or no regulatory certainty as to whether they can expect timely processing of their applications, while limiting their operational flexibility to deploy service quickly in response to consumer demand. Moreover, such standard is not applied to require dismissal of terrestrial wireless applications, and thus imposes unfair burdens on space and earth station applicants.

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<sup>22</sup> *See id.*

<sup>23</sup> *See id.* ¶ 18.

<sup>24</sup> *See id.* ¶ 20.

<sup>25</sup> *See* 47 C.F.R. § 25.112(a)(1).

## **VII. Eliminating Notification Requirements for Minor Earth Station Modifications**

The Commission should adopt its proposed elimination of Section 25.118(a)'s notification requirement for minor earth station modifications that, as specified in Subsections 25.118(a)(4)(i)-(vi), do not increase power, add frequencies, change polarization, increase antenna height, or repoint the antenna beyond any coordinated range.<sup>26</sup> Similarly, the Commission should eliminate Section 25.118(a)'s notification requirement for other minor earth station modifications identified in Subsections 25.118(a)(1)-(3) (*i.e.*, adding blanket-licensed remote terminals, changing to common carrier status, and changing satellite points of communication).<sup>27</sup> As the Commission notes, such minor modifications pose no risk of additional interference to other users,<sup>28</sup> and thus should be permitted without notification. To the extent, however, that notification of such minor modifications would be helpful to ensure interference protection of any modified earth station operations, the Commission should allow an option to file notification of such minor modifications at any time in order to secure interference protection of their modified operations.

## **VIII. Conclusion**

Based upon the foregoing, EchoStar urges the Commission to further streamline its Part 25 rules in order to provide additional flexibility for satellite providers and eliminate unnecessary, unduly burdensome requirements. Accordingly, the Commission should adopt its proposals, with certain modifications, to simplify the licensing and regulation of satellite systems. Such regulatory streamlining will spur investments in existing and new satellite networks, will enable the satellite industry to bring new and innovative services to consumers on

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<sup>26</sup> See *Streamlining Part 25 NPRM* ¶ 22; see also 47 C.F.R. § 25.118(a)(4)(i)-(vi).

<sup>27</sup> See 47 C.F.R. § 25.118(a)(1)-(3).

<sup>28</sup> See *Streamlining Part 25 NPRM* ¶ 23.



a cost-effective, timely basis, and will enhance the appeal of the United States as a satellite licensing administration.

Respectfully submitted,

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